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## **PROPOSITION 65 AMENDED 60-DAY NOTICE OF INTENT TO THE JOHN STEWART COMPANY PURSUANT TO HEALTH & SAFETY CODE SECTION 25249.6**

This legal notice constitutes notification to Jack D Gardner, President of The John Stewart Company; (hereinafter referred to as the "Violator") have violated Proposition 65, the Safe Drinking Water and Toxic Enforcement Act (Cal. Health and Safety Code § 252495 *et seq.*). This notice is given by the Consumer Defense Group Action (hereinafter referred to as the "Noticing Party") which must be contacted through its legal representative Graham & Martin LLP, attn: Anthony G. Graham, Esq., 3 Park Plaza, Suite 2030, Irvine, CA 92614. (929) 474-1022.

Proposition 65 requires that a notice of violation and intent to sue be given to the Violator sixty (60) days prior to commencing a private enforcement proceeding pursuant to Health & Safety Code § 25249.7(d). With this letter, the Noticing Party gives notice of the alleged violations to the Violator and the Attorney General and District Attorney and City Attorney of cities with a population of over 750,000, in each county and city in which the violation is alleged to have occurred. This notice covers all violations of Proposition 65 that are currently known to the Noticing Party from information now available to it. A copy of "The Safety Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary." is provided with this Notice.

### **I. SUMMARY OF VIOLATIONS:**

Proposition 65 requires that when a person in the course of doing business that employs ten or more employees, such as the Violator, has been or is knowingly and intentionally exposing persons to a detectable level of any chemical designated by the State of California to cause cancer or reproductive toxicity (the "Designated Chemicals"), it must, prior to such exposure, provide a clear and reasonable warning to the exposed persons (Health & Safety Code § 25249.6).

The Violator has chosen to allow its tenants, visitors, and their guests, and Violator's business invitees, contractors and employees at each of its facilities to be exposed to Designated Chemicals associated with its operations without such warnings and in doing so has violated the statute.

The Violator, in the ordinary course of business, knows, controls and intends much of the conduct and actions of its tenants, visitors, guests, contractors and employees at each

of the facilities listed below (hereinafter, the "Properties"). The activities of the Violator including its employees and contractors, and the facilities and amenities provided at its Properties, expose tenants and their visitors and guests, and Violator's business invitees, contractors and employees to Designated Chemicals. The Violator's Properties include those listed in Exhibit B hereto.

Therefore, the Violator has knowingly and intentionally exposed its tenants and their visitors and guests, and Violator's business invitees, contractors and employees at each of the Properties to Designated Chemicals. Exposures to Designated Chemicals occur at the Violator's Properties in a variety of ways as described in detail below, including inhalation (breathing of designated chemicals in gaseous, vapor or aerosol form), dermal contact and absorption from skin and/or clothing and ingestion directly with respect to consumables but also indirectly due to touching of contaminated surfaces and subsequent hand-to-mouth contact. Despite knowledge of such exposures, the Violator has failed to provide clear and reasonable warnings as required by Proposition 65, so that its tenants and their visitors and guests and Violator's business invitees, contractors and employees who may not wish to be exposed, are not warned prior to exposure that they may be exposed to Designated Chemicals.<sup>1</sup>

#### **A. Environmental Exposures**

While in the course of doing business, at the locations in the attached Exhibit B, from November 23, 2000 through the date of this notice, the Violator has been and is knowingly and intentionally exposing tenants and their visitors and guests, and Violator's business invitees and contractors, and employees to Designated Chemicals listed below and known to the State of California to cause cancer, developmental toxicity or other reproductive harm without first giving clear and reasonable warning of that fact to the exposed persons (Health & Safety Code § 25249.6). The locations of the exposures are the environment in and around the Violator's Properties, Violator's activities and the amenities associated with the Properties as set forth in Section II Details of the Violation.

#### **B. Occupational Exposures**

While in the course of doing business from November 23, 2000 through the date of this notice, the Violator has been and is knowingly and intentionally exposing contractors and contractor's employees and Violator's employees to Designated Chemicals listed below and designated by the State of California to cause cancer, developmental toxicity or other reproductive harm without first giving clear and reasonable warning of that fact to the exposed person (Health & Safety Code § 25249.6). Such Employees include, and are not limited to: the property's engineering staff, janitors, maids, housekeepers, concierge, bell staff, valets, security personnel, maintenance workers, service personnel, food service employees, administrative personnel, and professional personnel and business invitees and contractors working in and around the Violator's Property and its facilities and amenities as set forth in Section II Details of the Violation.

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<sup>1</sup> Each of these exposures relates to all entities and properties listed on Exhibit B hereto unless otherwise noted.

### **C. Product Exposures**

While in the course of doing business from November 23, 2000 through the date of this notice, Violator has been and is knowingly and intentionally exposing tenants and their visitors and guests, and Violator's business invitees, contractors and employees to products and materials containing Designated Chemicals designated by the State of California to cause cancer, developmental toxicity or other reproductive harm without first giving clear and reasonable warning of that fact to the exposed person (Health & Safety Code § 25249.6). The product and material exposures include products and materials commonly in use at apartment properties, for example in maintenance and providing services to tenants. How tenants and their visitors and guests, and Violator's business invitees, contractors and employees are exposed to such products and materials, and the locations of such exposures, are set forth in Section II Details of Violations.

## **II. DETAILS OF VIOLATIONS:**

After appropriate due diligence and investigation of Violator's Properties and Activities, including review and verification of detailed information regarding exposures of tenants and their visitors and guests and the Violator's business invitees, contractors and employees, consultations with experts on such matters, such unlawful exposures occur in the following ways at the Violator's Properties identified.

### **A. Violations Associated With Tenant Activity**

Certain apartment-related activities which result in exposures to tenants and their guests and visitors, and Violator's business invitees, contractors and employees to Designated Chemicals are due to tenant's individual conduct, that are known to Violator and thus could be prohibited. The Violator has chosen, as a matter of business practice, to not prohibit such activities. Therefore, such exposures, made without first providing a clear and reasonable warning, constitute violations of Proposition 65. The exposures are as follows

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#### **1. Second-hand Tobacco Smoke and Smokeless Tobacco Products**

Short description: Tobacco smoke and its by-products contain many chemicals that may be harmful if inhaled. Apartment properties include personal residences at which individual tenant conduct cannot be controlled. Smoking is generally allowed in outdoor common areas and other areas designated by the property manager including designated rooms.

Route(s) of exposure: Environmental exposure by breathing second-hand smoke and its contact with skin and clothing.

Location or occupation of person(s) exposed: Tenants and their guests and visitors, and Violator's business invitees, contractors and employees (including service, maintenance, administrative, and professional staff) who enter apartments, common areas and designated smoking areas.

Location of the source of exposure: Apartments, common areas and various designated areas around the property where smoking is authorized or not prohibited.

Names of materials containing Proposition 65-listed chemicals and reason for listing: Tobacco smoke (cancer) and associated chemicals including, but not limited to nicotine (developmental toxicity) and carbon monoxide (developmental toxicity).

2. Use of Combustible Products and Materials by Tenants

Short description: The Violator permits the use of certain products and materials when used as intended as combustibles generate Designated Chemicals to which tenants and other persons are exposed.

Route(s) of exposure: Environmental exposure through inhalation of gaseous, vaporous or aerosol combustion product emissions, and in certain cases through skin contact and absorption or through hand-to-mouth ingestion.

Location or occupation of person(s) exposed: Tenants and their guests and visitors, as well as Violator's business invitees, contractors and employees, who are in and around an apartment in which a tenant is engaged in using combustibles.

Names of materials containing Proposition 65-listed chemicals and reason for listing:

- Charcoal, artificial logs and fire starters (for example Duraflame products) and wood burning in barbecues, hibachis and fireplaces emit carbon monoxide (developmental toxicity), monoxide (developmental toxicity), soots and tar (cancer), benzene (cancer, developmental toxicity and other reproductive harm), creosotes (cancer) and other chemicals (cancer and developmental toxicity and other reproductive harm).
- Charcoal lighter fluid, and the burning of alcohol, kerosene and other liquid combustibles in stoves and lanterns emit carbon monoxide (developmental toxicity), soots and tar (cancer), benzene (cancer, developmental toxicity and other reproductive harm), acetaldehyde (cancer) and formaldehyde (cancer).
- Sterno Cooking Fuel including but no limited to those manufactured by Candle Corporation of America, Colgate Palmolive, Western Family Foods, Ecolab and other makers contains ethyl alcohol and other chemical ingredients and when ignited emits soots, tars and mineral oils (cancer), acetaldehyde (cancer), benzene (cancer, developmental toxicity and other reproductive harm), carbon monoxide (developmental toxicity), and formaldehyde (cancer).
- Fireplaces, patio heaters, kitchen stoves and ovens, gas heaters and portable stoves and lanterns which use natural gas, compressed natural gas (CNG), liquified natural gas (LNG), propane and other pressurized fuel gases emit carbon monoxide (developmental toxicity), formaldehyde (cancer), soots and tars (cancer), benzene (cancer, developmental toxicity and other reproductive harm), toluene (developmental toxicity), and radon

(cancer) according to information disseminated by Pacific Gas and Electric (PG&E) and Coleman, Inc.

- Candle combustion generates soots (cancer), benzene (cancer, developmental toxicity and other reproductive harm). Some candlewicks contains lead and emit lead and lead compounds (cancer and developmentally toxicity and other reproductive harm).
- Matches contain and their ignition emits arsenic and its compounds (cancer and developmental toxicity), lead and lead compounds (cancer, developmental toxicity and other reproductive harm), and carbon monoxide (developmental toxicity).

3. Use of Hobby-Related Products and Materials by Tenants

Short description: The Violator permits the use of certain Products and materials used by tenants in pursuit of personal hobby interests which expose tenants and other persons to Designated Chemicals as set forth below.

Route(s) of exposure: Environmental and consumer exposures through inhalation of gaseous, vaporous or aerosol emissions and in some cases skin absorption and ingestion through hand-to-mouth contact with hobby-use products and materials that contain or emit Designated Chemicals.

Location or occupation of person(s) exposed: Tenants and their guests and visitors, as well as Violator's business invitees, contractors and employees, who are in and around an apartment occupied by a tenant engaged in certain hobbies.

Names of materials containing Proposition 65-listed chemicals and reason for listing:

- Arts and craft hobbies including painting, ceramics and sculpture cause exposure to Designated Chemicals. Ceramic glazes and clays made by Aardvark, Resco, American Art Clay and others contain crystalline silica (cancer). Ceramic glazes and paints made by Art Clay, Duncan Enterprises, Mayco, Gare and Laguna Clay and others, depending on color, contain lead and lead compounds (cancer and developmental toxicity and other reproductive harm), cadmium and cadmium compounds (cancer, developmental toxicity and other reproductive harm), cobalt metal and cobalt oxide (cancer). Crayons contain asbestos (cancer) and ceramic fibers (cancer). Oil and solvent-based aerosol and non-aerosol paints, thinners and marking pens contain toluene (developmental toxicity) and benzene (cancer, developmental toxicity and other reproductive harm). 3M Spray Adhesive contains toluene (birth defects). Acrylic paint made by Ultrach Manufacturing, Winsor and Newton, Binney & Smith, Golden Artist Colors, Creative Art Products and others contain cadmium and cadmium compounds (cancer, developmental toxicity and other reproductive harm) and lead compounds (cancer, developmental toxicity and other reproductive harm). Bronze and brass contain lead (cancer, developmental toxicity and other reproductive harm).

- Glass blowing, tiffany lamp making and related glass-based arts and crafts cause exposure to combustion products of natural gas including carbon monoxide (developmental toxicity), formaldehyde (cancer), soots and tars (cancer), benzene (cancer, developmental toxicity and other reproductive harm), toluene (developmental toxicity) and radon (cancer) based on PG&E published warnings. Leaded metal, solder and leaded glass and metallic colored pigments contain lead (cancer, birth defects and other reproductive harm). Colored metallic pigments contained or used in stained glass crafting also contain cadmium and cadmium compounds (cancer, developmental toxicity and other reproductive harm), and cobalt and cobalt oxide (cancer).
- Automotive maintenance and parts cleaning involve use of solvents, cleaning products and touch-up paints, which contain volatile chemicals to which persons nearby can inhale, and exposures to gasoline and diesel fuel vapors and gasoline and diesel engine exhausts. Gasoline and diesel vehicle fuels contain benzene (cancer, developmental toxicity and other reproductive harm), toluene (developmental toxicity) and other designated chemicals (cancer and developmental toxicity and other reproductive harm). Gasoline and diesel engines emit gasoline engine exhaust (condensates/extracts) and diesel engine exhaust (cancer). Solvents like Bowman Safety Solvent, Champion, ZEP products, National Auto Body Supply, Gunk, Chief Autoparts and others used in vehicle maintenance including carburetor, brake and parts cleaners contain methylene chloride (cancer), tetrachloroethylene (cancer) and benzene (cancer, developmental toxicity and other reproductive harm). Paint strippers made by KleenStrip, Jasco, Bix and other companies contain methyl chloride (cancer) and toluene (developmental toxicity). Brake and clutch surfaces contain asbestos (cancer). Batteries (all brands) contain lead (cancer and developmental toxicity and other reproductive harm).
- Personal grooming hobbies including manicures involve use of nail polish, other nail care products and nail polish remover which contain toluene (developmental toxicity) and formaldehyde (cancer).

**B. Violations Associated with Apartment Property Construction Materials**

4. Apartment Properties Construction Materials

Short description: Apartment construction materials contain Designated Chemicals and their presence results in knowing an intentional exposure to persons as defined in Proposition 65. Due to the fact that apartments in the state range in age from relatively new to many decades old, there is a wide variety of construction materials that have been used over the years and a similar variety of Designated Chemicals in each type of construction material depending on the date of manufacture and the regulations in effect at that time. Each of the Facilities expose persons to some of the

materials described below and some of the Facilities expose persons to all of the materials described below.

Route(s) of exposure: Environmental and occupational exposures to construction materials through inhalation of gaseous, vaporous or aerosol emissions and in some cases skin absorption and/or ingestion through hand-to-mouth contact. Such exposures occur either through the continuance emission or leaching of Designated Chemicals as construction materials degrade or deteriorate; in other cases the construction materials cause an exposure to Designated Chemicals when either inadvertently or intentionally disturbed during repairs, maintenance or renovations.

Location or occupation of person(s) exposed: Tenants and their guests and visitors, as well as Violator's business invitees, contractors and employees, who are in and around Apartment Properties or who engage in work with and around construction materials which contain Designated Chemicals are exposed to Designated Chemicals as follows:

Names of materials containing Proposition 65-listed chemicals and reason for listing:

- Roofing materials of various types contain designated chemicals which when deteriorated or undergoing repair/replacement result in emissions of such chemicals to which the persons are exposed. (1) Built-up roofs contain asbestos (cancer) or fiberglass (ceramic fibers-cancer) felting and insulation that can be released through deterioration and/or cutting/disturbing; built-up roofs also contain coal tar or petroleum asphalt which contain the following designated chemicals that can be released from hot tar or asphalt during installation and repair or as vapor or particulate during removal/renovation: benz[a]anthracene, chrysene, toluene diisocyanate, formaldehyde (gas), 5-methylchrysene, nickel and nickel compounds, dichloromethane (methylene chloride), benzene, lead, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[a]pyrene, indeno[1,2,3-c, d-]pyrene, acetaldehyde, beryllium and beryllium compounds, arsenic (inorganic arsenic compounds), cadmium and cadmium compounds, chromium (hexavalent compounds), tetrachloroethylene (perchloroethylene), trichloroethylene, and dibenz[a,h]anthracene (all of the preceding Designated Chemicals cause cancer); and toluene, carbon disulfide, benzene, lead, mercury and mercury compounds, arsenic and cadmium (all of the preceding Designated Chemicals cause birth defects or reproductive harm). Built-up roof installation and repair uses sand and aggregate, which contain crystalline silica (cancer). (2) Shingles contain the same chemicals as contained in built-up roofing set forth above and referenced herein, except they are pre-manufactured and installed as a construction product. Exposures would result mainly from generation of particulate or dust containing Designated Chemicals. Shingles manufactured by Owens-Corning and GAF contain the Designated Chemicals listed in (1) above and incorporated herein by reference. (3) Membrane roofing systems are comprised of the membrane, ~~usually~~ polyvinyl chloride (PVC) membrane or sheet, usually with black

pigmentation and with thermal stabilizing and plasticizing chemicals to inhibit degradation. Such PVC plastic contains the following designated chemicals: vinyl chloride monomer (cancer), lead and lead compounds (cancer, developmental toxicity and other reproductive harm) and diethylhexyl phthalate (cancer). Membrane roofing systems also use solvents and adhesives which contain benzene (cancer, developmental toxicity and other reproductive harm), toluene (developmental toxicity) and methylene chloride (cancer). (4) Wood Shake roofing systems utilize an underlying felting and/or membrane as insulation and a moisture barrier. Such materials include asbestos (cancer) and coal tar or petroleum asphalt which contains the Designated Chemicals listed in (1) above and incorporated by reference herein:

- Portable water conveyance and dispensing systems utilize metallic components including lead which leach into the water being consumed by person at Apartment Properties. Such construction materials and water conveyance and dispensing devices which contain and release lead (cancer, developmental toxicity and other reproductive harm) into drinking water include, but are not limited to: steel water pipes, water meters, solder used with copper plumbing, brass fittings, brass faucets, water purification devices and drinking fountains.
- Insulation used in apartments results in exposure of persons to Designated Chemicals due to emissions during normal degradation or deterioration of such insulation or when it is disturbed during repairs, maintenance or renovations. Insulation systems include but are not limited to the following: (1) Asbestos-containing insulation contains asbestos (cancer) and can be found in pre-1980 structures as thermal insulation on pipes, ducts, other equipment and structural applications. (2) Urea-formaldehyde rigid and flexible foam insulation installed or cured-in-place in wall systems contains and emits formaldehyde gas (cancer). (3) Fiberglass insulation which contains ceramic fibers (cancer).
- Structural construction materials used in walls, floors, ceilings and outside cladding contain Designated Chemicals which are released as gases or vapors during normal degradation or deterioration and as dust or particulate when disturbed during repairs, maintenance or renovation. Such materials include particle board, plywood and adhesives with urea formaldehyde resin which contains formaldehyde gas (cancer), vapor barriers, exterior plastic cladding, plastic window frames, fascia boards and window sills, and plastic conduits and fittings for electrical systems and HV/AC duct work are made from poly vinyl chloride (PVC) which contains vinyl chloride monomer (cancer), diethylhexyl phthalate (cancer), and depending on color metallic pigments which contain lead (cancer, developmental toxicity and other reproductive harm) and cadmium and cadmium compounds (cancer, developmental toxicity and other reproductive harm) and cobalt and cobalt oxide (cancer). Exterior stucco contains crystalline silica (cancer). Treated woods used for exterior and soil-contact applications contain arsenic and arsenic compounds, inorganic



oxides (cancer, developmental toxicity and other reproductive harm), pentachlorophenol (cancer), and creosote (cancer).

- Paints, coatings and associated solvents, additives and texturizers contain Designated Chemicals to which persons are exposed due to natural degradation or deterioration of these materials, during repair and renovation work and can result in foreseeable childhood exposures due to direct ingestion or indirect ingestion through hand-to-mouth contact. The following materials cause exposures to Designated Chemicals. Historical use and presence of interior and exterior paint containing lead (cancer, developmental toxicity and other reproductive harm). Currently used paints, stains and coatings include but are not limited to: Rustoleum Hard Hat Aerosol Primers and Top Coats which contain toluene (developmental toxicity), Rustoleum Enamels which contains benzene (cancer, developmental toxicity and other reproductive harm) and toluene (developmental toxicity); Rustoleum Painters Touch paint which contain benzene (cancer, developmental toxicity and other reproductive harm) and toluene (developmental toxicity); Hammerite Rust Cap Aerosol and Paint which contains benzene (cancer, developmental toxicity and other reproductive harm) and toluene (developmental toxicity); Glidden Oil/Alkyd Gloss Interior/Exterior Paint which contains benzene (cancer, developmental toxicity and other reproductive harm) and toluene (developmental toxicity); Ralph Lauren Paints which contains crystalline silica (cancer); Behr Enamel Paints and Water-Based Primer which contains benzene (cancer, developmental toxicity and other reproductive harm); Thompson's Water Seal X-tra which contains benzene (cancer, developmental toxicity and other reproductive harm); Homax Paint Texturizer which contains crystalline silica (cancer); Miniwax Wood Stains which contain benzene (cancer, developmental toxicity and other reproductive harm) and Miniwax Wood Finish Aerosols which contain benzene (cancer, developmental toxicity and other reproductive harm) and toluene (developmental toxicity); Deft Woodfinishers which contain benzene (cancer, developmental toxicity and other reproductive harm); Flecto Varathane Aerosol which contains benzene (cancer, developmental toxicity and other reproductive harm); Parks ProFinish Polyurethane Coatings which contain benzene (cancer, developmental toxicity and other reproductive harm); Mohawk Lacquer Gloss and Satin Paints which contain benzene (cancer, developmental toxicity and other reproductive harm) and toluene (developmental toxicity).

- Furnished apartment and common area furnishings cause exposures to Designated Chemicals due to the materials used in their manufacture and emissions from such furnishings or the presence of Designated Chemicals on the surface of such furnishings. Apartment Properties' furnishings include furniture, furnishings and window treatments in furnished apartments, common areas, and administrative offices. Carpeting and furniture constructions materials include foams, metals, treated wood, fabrics, coatings, rubber parts and plastics and vinyl which contain

Designated Chemicals including but not limited to the following: Foams used in couches, seat cushions, carpet pads contain and emit methylene chloride (cancer), toluene diisocyanate (cancer), and soots, tars and mineral oils (cancer). Metal fixtures and furniture hardware including brass and zinc, chrome, or nickel-plated metal contain lead (cancer, developmental toxicity and other reproductive harm), cadmium (cancer), hexavalent chromium compounds (cancer) and nickel and certain nickel compounds (cancer). Plastic and rubber components of furniture and fixtures contain: 1,3 butadiene (cancer), Di(2-ethylhexyl) phthalate (cancer), vinyl chloride (cancer), lead and lead compounds (cancer, developmental toxicity and other reproductive harm), cadmium (cancer), and hexavalent chromium compounds (cancer). Window treatments, including window blinds and painted trim that contains lead and lead compounds (cancer, developmental toxicity and other reproductive harm). Plastic flooring, tiles and rubber floor coverings/typical alternatives to linoleum made of poly vinyl chloride contain vinyl chloride monomer (cancer), diethyl hexyl phthalate (cancer), lead and lead compounds (cancer, developmental toxicity and other reproductive harm), cadmium and cadmium compounds (cancer, developmental toxicity and other reproductive harm) and cobalt and cobalt oxide (cancer). Adhesives used to install furnishings contain Designated Chemicals including but not limited to the following: 3M Fast Bond 30-NF Neutral Contact Adhesive which contains toluene (developmental toxicity); Mohawk Spray Adhesive which contains benzene (cancer, developmental toxicity and other reproductive harm); Mohawk Casein Urea Resin Glue which contains formaldehyde (cancer); Midway Sales and other Rubber Cements which contain toluene (developmental toxicity).

- Electrical wiring and lighting fixtures in apartments and common areas result in exposures to Designated Chemical emissions from polyvinyl chloride (PVC) insulated wiring, employee and contractor exposures due to handling such insulated wire which contains vinyl chloride monomer (cancer), diethyl ethylphthalate (cancer), lead and lead compounds (cancer, developmental toxicity and other reproductive harm), cobalt and cobalt oxide (cancer) and cadmium and cadmium compounds (cancer, developmental toxicity and other reproductive harm). Electrical lighting devices including light bulbs, terminals, light sockets, fluorescent tubes and terminals, lamps, decorative lamps like tiffany lamps with lead glass shades and other electrical devices contain lead (cancer, developmental toxicity and other reproductive harm) which results in exposure by ingestion after touching such devices. Fluorescent tubes contain mercury and mercury compounds (developmental toxicity) and cadmium and cadmium compounds (cancer, developmental toxicity and other reproductive harm) and if broken can cause an exposure to these Designated Chemicals through inhalation and/or ingestion.
- Hardware installed at or in apartments and in Apartment Property common areas contain Designated Chemicals and an ingestion exposure

can occur through their handling as described in the following representative examples: Brass keys, door knockers, door knobs and other entry way hardware, as well as decorative railings, fixtures, faucets, doors and furniture handles contain lead (cancer, developmental toxicity and other reproductive harm). Fencing components include galvanized steel hardware and fencing which contains lead (cancer, developmental toxicity and other reproductive harm). Fencing and other barrier hardware including safety railings and gates may be coated with colored polyvinyl chloride (PVC) which contains vinyl chloride monomer (cancer), diethyl hexyl phthalate (cancer), lead and lead compounds (cancer, developmental toxicity and other reproductive harm) cadmium and cadmium compounds (cancer, developmental toxicity and other reproductive harm) and cobalt and cobalt oxide (cancer).

**C. Apartment Utilities and General Facility Services**

Providing heating and hot water, parking facilities and transportation services cause knowing and intentional exposures to Designated Chemicals.

5. Natural gas, liquid fuel gases and fuel oil conversion in furnaces, boilers, hot water heaters, apartment and patio heaters and similar equipment. Short description: Except for Apartment Properties in which all utility services are electrical, providing heating and hot water entails use of natural gas, other fuel gases and fuel oil to operate furnaces, boilers, hot water heaters, space heaters and patio equipment either on an apartment-wide basis or in certain common areas, or in individual apartment units. Violators are aware that such activities cause exposures to Designated Chemicals, through information provided by natural gas and other fuel vendors.

Route(s) of exposure: In most cases, exposure will be through inhalation. In addition, occupational and environmental exposures will be experienced by persons touching surfaces contaminated with materials containing Designated Chemicals, for example fuel oil or soot.

Location of occupation of person(s) exposed: Natural gas, liquid fuel gas, and fuel oil release Designated Chemicals into the air through volatilization and when such fuels are combusted. Persons including tenants, their visitors and guests and Violator's business invitees, contractors and employees experience environmental exposure whenever present in areas where gaseous or liquid fuels are stored, vented and combusted including in apartments, common areas and in the general environment in and around Apartment Properties.

Names of materials containing Proposition 65-listed chemicals and reason for listing:

- Natural Gas and other liquid fuel gases including but not limited to Compressed Natural Gas (CNG), Liquified Natural Gas (LNG) and

Liquified Petroleum Gas (LPG) and Propane contain benzene (cancer, developmental toxicity and other reproductive harm), toluene (developmental toxicity), and radon (cancer); when such fuels are burned, combustion products are created and emitted which include, but are not limited to: carbon monoxide (developmental toxicity), formaldehyde (cancer), acetaldehyde (cancer) and soots (cancer) according to information disseminated by suppliers including PG&E and Coleman, Inc.

- Fuel Oil contains benzene (cancer, developmental toxicity and other reproductive harm) and toluene (developmental toxicity) and when burned emits carbon monoxide (developmental toxicity), soots and tars (cancer), formaldehyde (cancer) and acetaldehyde (cancer).

6. Parking Facilities and Designated Loading/Unloading Locations Cause Exposure to Vehicle Emissions.

Short description: Parking facilities including, but not limited to, parking lots, parking structures, substructure or subterranean parking, and designated bus and other public transportation and commercial vehicle loading/unloading areas cause exposures to designated chemicals emitted from vehicle exhausts.

Route(s) of exposure: Exposures to vehicle exhaust emissions are generally via inhalation.

Location of exposure and person(s) exposed: Exposures occur when persons enter parking facilities and when they are at or around designated vehicle pick-up or loading/unloading points like bus stops, loading docks and in the general environment and in some cases in apartments near such areas. The persons exposed include tenants and their guests and visitors, and Violator's business invitees, contractors and employees.

Names of materials containing Proposition 65-listed chemicals and reason for listing: Diesel engines emit diesel engine exhaust (cancer). Gasoline engines emit gasoline engine exhaust (cancer).

7. Emergency Generators

Short description: The Violator owns and operates emergency generators to power essential activities in the event of an interruption in utility-provided electricity. Periodically operating such generators for maintenance and testing and in the event of a power outage results in exposure to diesel and/or gasoline engine exhaust and fuel vapors.

Route(s) of exposure: Persons are exposed to engine exhausts and fuels primarily via inhalation.

Locations of exposure and person(s) exposed: Exposures to engine exhausts from emergency generators occur on Apartment Properties in common area locations at and around such emergency generators although the extent of the exposure location varies with local conditions and time of operation during testing, maintenance and emergency use. Persons exposed include tenants and their guests and visitors, and Violator's business invitees, contractors and employees.

Names of materials containing Proposition 65-listed chemicals and reason for listing: Diesel emergency generator engines emit diesel engine exhaust (cancer). Gasoline emergency generator engines emit gasoline engine exhaust (cancer). Diesel fuel and gasoline contain benzene (cancer, developmental toxicity and reproductive harm) and toluene (developmental toxicity).

8. Tenant, Employee and Business Invitees Transportation Services  
Short description: Many Apartment Properties provide transportation services to tenants, business invitees, contractors and employees. Such transportation services involve operation of vans, limousines, automobiles, trucks and buses which are either gasoline and diesel engine-powered, which results in engine exhaust and fuel exposure. In addition, persons may be exposed to second-hand tobacco smoke within such vehicles.  
Routes of exposure and person(s) exposed: Exposures to designated chemicals contained in engine exhaust, fuels and tobacco smoke generally occurs via inhalation especially when vehicles are idling and picking-up or dropping off passengers and when vehicles are being refueled by employees. Persons exposed tenants and their guests and visitors, and Violator's business invitees, contractors and employees.  
Names of materials containing Proposition 65-listed chemicals and reason for listing: Diesel engines emit diesel engine exhaust (cancer). Gasoline engines emit gasoline engine exhaust (cancer). Diesel fuel and gasoline contain benzene (cancer, developmental toxicity and reproductive harm) and toluene (developmental toxicity). Second-hand exposure to smoking contains tobacco smoke (cancer), carbon monoxide (developmental toxicity), and other chemicals (cancer, developmental toxicity and other reproductive harm).

**D. Apartment Property Cleaning and Maintenance Activities**

9. In-Apartment Cleaning and Maintenance  
Short description: Apartment Properties provide a range of cleaning and maintenance services with respect to individual apartment units. In some cases, the Violator provides routine periodic cleaning and maintenance services to its tenants. In others, the Violator may only provide cleaning and maintenance services upon lease renewal or upon leasing by a new tenant. In either case, persons are exposed to Designated Chemicals during or after the cleaning or maintenance activity.  
Routes of exposure: Exposures to Designated Chemicals contained in cleaning and maintenance materials are through inhalation, skin absorption and skin contact followed by ingestion due to hand-to-mouth contact, especially by children.  
Location of exposure and person(s) exposed: The location of the exposures to cleaning and maintenance chemicals is within individual apartment units that have been cleaned or maintenance activities

performed by Violator or persons under its control. The persons exposed include: tenants and their guests and visitors, and Violator's business invitees, contractors and employees.

Names of materials containing Proposition 65-listed chemicals and reason for listing:

- Adhesives including but not limited to DAP, Inc. Contact cement which contains benzene (cancer, developmental toxicity and other reproductive harm) and toluene (developmental toxicity), MACCO Adhesive Liquid Nails products which contain benzene (cancer, developmental toxicity and other reproductive harm), toluene (developmental toxicity), and styrene oxide (cancer), Motsenbacker's Lift-Off No. 2 Aerosol Adhesive which contain tetrachloroethylene (cancer), benzene (cancer, developmental toxicity and other reproductive harm), 3M Fast Bond 30-NF Neutral Contact Adhesive which contains toluene (developmental toxicity); Mohawk Spray Adhesive which contains benzene (cancer, developmental toxicity and other reproductive harm); Mohawk Casein Urea Resin Glue which contains formaldehyde (cancer); Midway Sales, 3-M, GAF, DAP and other rubber cements which contain toluene (developmental toxicity).
- Specialty Cleaning Products like carpet and floor cleaners, Paint Strippers and Graffiti Removers, including but not limited to: ZEP Carpet Steam Cleaner 1291 which contains nitriloacetic acid (cancer), ZEP Aerosol Wax Stripper which contains ethylene oxide (cancer and reproductive harm); Johnson Diversey, Inc. UHS Floor Cleaner, J-Spray Cleaner and Odor Neutralizer, Horizon 420 Neutral Cleaner, Power-Foam Bravo, ProStrip and Bravo Extra contain ethylene oxide (cancer and reproductive harm); Guardsman Products Goof-Off Cleaner contains benzene cancer, developmental toxicity and other reproductive harm), toluene (developmental toxicity); Contact Industries, Contact Vandal and Graffiti Remover contains benzene (cancer, developmental toxicity and other reproductive harm) and toluene (developmental toxicity), and ethylene glycol monomethyl ether (developmental toxicity and other reproductive harm); Locktile Naval Jelly which contains, according to its manufacturer, an undisclosed chemical which causes cancer (cancer); Motsenbocker's Lift-Off No. 3 Pen, Ink and Marker Graffiti Remover which contains benzene (cancer, developmental toxicity and other reproductive harm); Motsenbocker's Grease, oily stain and tape remover which contains tetrachloroethylene (cancer), benzene (cancer, developmental toxicity and other reproductive harm) and toluene (developmental toxicity); ZEP products and ZEP-O-Brite Abrasive Cleaner 1038 which contains crystalline silica (cancer); Claire Manufacturing Stainless Steel Cleaner which contains N-methyl pyrrolidone (developmental toxicity); Vandalism Spray which contains dichloromethane (cancer), tetrachloroethylene (cancer) and toluene (developmental toxicity) and Spot Remover/Aerosol Spot Remover which contains tetrachloroethylene (cancer); Lincoln Leather Cleaner and Spot Remover which contains tetrachloroethylene (cancer); Kleenstrip Graffiti

Remover Aerosol which contains dichloromethane (cancer); JASCO and BIX Graffiti Remover (non-aerosol) which contain dichloromethane (cancer) and toluene (developmental toxicity); Behr Enamel Paints and Water-Based Primer which contains benzene (cancer, developmental toxicity and other reproductive harm); Thompson's Water Seal X-tra which contain benzene (cancer, developmental toxicity and other reproductive harm); Homax Paint Texturizer which contains crystalline silica (cancer); Miniwax Wood Stains which contains benzene (cancer, developmental toxicity and other reproductive harm) and toluene (developmental toxicity); Deft Woodfinishers which contain benzene (cancer, developmental toxicity and other reproductive harm); Flecto Varathane Aerosol which contain benzene (cancer, developmental toxicity and other reproductive harm); Parks ProFinish Polyurethane Coatings which contain benzene (cancer, developmental toxicity and other reproductive harm); Mohawk Lacquer Gloss and Satin Paints which contain benzene (cancer, developmental toxicity and other reproductive harm).

- Pesticides including but not limited to: Wilbur Ellis Black Leaf Wasp and Hornet Killer, Ortho Hornet and Wasp Spray and United Industries Hot Shot Ant and Roach Spray which contain benzene (cancer, developmental toxicity and other reproductive harm) and toluene (developmental toxicity); Chacon Chemical Insecticide which contains p-dichloro benzene (cancer), Agri-Enysire Corp. Insecticide which contains mancozeb (cancer) and nabam (cancer); Grants Kills Ants which contains arsenic trioxide, an inorganic arsenic oxide compound (cancer and developmental toxicity); Spectracide Plus Immunox Insect and Disease Control in Aerosol and Concentrate which contains myclobutanil (developmental toxicity and other reproductive harm); Ortho Funginex Rose and Shrub Disease Control and Orthenex Garden Insect and Disease Control which contain triforine (developmental toxicity); Ortho Outdoor Insect Fogger which contains resmethrin (developmental toxicity); MAKKI Term Out, Termite Roach and Ant which contains resmethrin (developmental toxicity); Greenlight Bermuda Grass Killer which contains fluazifopbutyl (developmental toxicity); Greenlight Fung-Away Systemic Fungicide which contains thiophanatemethyl (reproductive harm); Gordon's Trimec Plus which contains an inorganic arsenic compound (cancer); and Lilly Captan Fungicide which contains captan (cancer).
- General Purpose Cleaning and Sanitizing Products including, but not limited, to: Proctor and Gamble Professional Comet Cleaner and Muriatic Acid, Johnson Diversey, Inc. Crew Bathroom Cleaners and Disinfectants (approximately 20 different products similarly formulated), Johnson Diversey, Inc. Endback Disinfectant Cleaner, ENVOY Foaming Disinfectant Cleaner, Spitfire Power Cleaner, ZEP Disinfectant-Deodorizer, and ZEP Chlorinated General Purpose Cleaner contain chlorine and chlorine compounds which create and emit in the presence of methane and other organic materials in soiled surfaces, chloroform

(cancer); Johnson Diversey, Inc. Brite Stainless Steel Cleaner which contains benzene (cancer, developmental toxicity and other reproductive harm) and toluene (developmental toxicity); Johnson Diversey Expose II Cleaner Disinfectant Deodorant which contains o-phenyl phenol (cancer); ZEP General Purpose Aerosol Cleaner/Degreaser which contains benzene (cancer, developmental toxicity and other reproductive harm); ZEP Cold Cleaning Solvent which contains methylene chloride (cancer), benzene (cancer, developmental toxicity and other reproductive harm) and toluene (developmental toxicity); ZEP Heavy Duty Cleaner and Degreaser which contains benzene (cancer, developmental toxicity and other reproductive harm) and toluene (developmental toxicity); ZEP Abrasive Cleaner which contains crystalline silica (cancer); Johnson Diversey Cong-R-Dust which contains benzene (cancer, developmental toxicity and other reproductive harm); Chemresearch New Improved Good Riddance Cleaner which contains ethylene oxide (cancer and reproductive toxicity), 1,4 dioxane (cancer), butylated hydroxyanisole (cancer) and DEOX Cleaner which contains ethylene oxide (cancer and reproductive toxicity), lead (cancer, developmental toxicity and other reproductive toxicity) and inorganic arsenic compounds (cancer); ZEP Quick Cleaner 1461 and MVP 0927 Cleaner which contains ethylene oxide (cancer and reproductive toxicity); Bowman Aerosol Safety Solvent which contains tetrachlorethylene (cancer); DOW Chloroethene XL Solvent which contains nitromethane (cancer); Soco-Lynch Solvent Stripper and Cleaner which contains benzene (cancer, developmental toxicity and other reproductive harm), dichloromethane (cancer) and toluene (developmental toxicity); Greenstreet Floral Care and Cleaner which contains methylene chloride (cancer); and Slide Products Cleaner and Degreaser which contains trichloroethylene (cancer), ZEP Aerosol Furniture Cleaner and Polish which contains benzene (cancer, developmental toxicity and other reproductive harm).

- Polishes including but not limited to: Sheila Shine Aerosol Polish which contains tetrachloroethylene (cancer); Smart and Final Cleaner and Polish which contains tetrachloroethylene (cancer); Mohawk Cleaners and Polishers which contain toluene (developmental toxicity) and lemon oil polish and Buffing Paste, Buff-it Black and Tan and Rubbing Compounds contain benzene (cancer, developmental toxicity and other reproductive harm).

- Other Cleaning and Janitorial Activities which result in Designated Chemical exposure including but not limited to: Tile and other floor surface polishing generates dust containing crystalline silica (cancer) and ceramic fibers (cancer); polishing of metal surfaces especially brass generates dust containing lead (cancer, developmental toxicity and other reproductive harm).

- Maintenance Materials including but not limited to lubricants including: WD-40, Gunk Liquid Wrench, Super Penetrant (liquid and aerosol), Gunk Liquid Wrench Super Lubricant, 3 in 1 Oil contain benzene (cancer).



developmental toxicity and other reproductive harm) and toluene (developmental toxicity); and Contact Industries Contact Silicone – Quick Slip Aerosol which contains benzene (cancer, developmental toxicity and other reproductive harm) and toluene (developmental toxicity). Other maintenance materials containing Designated Chemicals include: DAP Durabond Webpatch which contains crystalline silica (cancer); and Sealmaster Pipe Joint Compound which contains benzene (cancer, developmental toxicity and other reproductive harm) and toluene (developmental toxicity).

- Paints and Coatings including but not limited to: PDG Acrylic Latex Paint, Speedhide Flat White Base, Pittcryl Exterior Latex Flat White, Speedcraft Flat white/pastel and Ralph Lauren Paints which contains crystalline silica (cancer); Sherwyn Williams Krylon Industrial Maintenance and Touchup Spray Colors and 6971 Mil-S Appliance Touch-up Paint which contain benzene (cancer, developmental toxicity and other reproductive harm); Masterchem Industries Kilz Alkyl Resin Primer which contain benzene (cancer, developmental toxicity and other reproductive harm).

- Hand Tools, Hardware and Brass Keys used by Violator's contractors and employees contain Designated Chemicals. All hand tools contain metals or are plated with metals which contain lead (cancer, developmental toxicity and other reproductive harm), hexavalent chromium (cancer), nickel and certain nickel compounds (cancer), cadmium and cadmium compounds (cancer, developmental toxicity and other reproductive harm). Hand tools that have plastic handles are made with pigmented, plasticized PVC which contains: di(2-ethylhexyl) phthalate (cancer), vinyl chloride (cancer), lead and lead compounds (cancer, developmental and male/female reproductive toxicity), cadmium (cancer) and hexavalent chromium compounds (cancer). Manufacturers of such tools include but are not limited to Alltrade, APW Tools, Bond, KR Tools, Rubbermaid, Michigan Tools, Stanley and Test-Rite.

**E. Exterior and Common Area Apartment Maintenance**

10. Apartment Properties maintain the exteriors of structures and common areas including landscaping as a benefit for tenants, and for business purposes. In some cases, Violator's employees perform such maintenance. In other cases, contractors perform such work which places control over selection and use in the contractor's hands which may cause exposures to a variety of materials and Designated Chemicals. Due to Violator's contractual control, it could screen such chemical use and exposures which occur to provide warnings or alternatively prohibit use of products or materials containing Designated Chemicals. Violator, based on a practical consideration, has not exercised such diligence and is deemed to have known or should have known about the exposure to designated chemicals in the following situations.

Short description: Exterior building, common areas and landscape maintenance cause emissions from or the presence of various products, materials and activities which contain Designated Chemicals to which persons are being and have been exposed without receiving prior to such exposure a clear and reasonable warning. Such exposures result from exterior building maintenance, landscape maintenance including the application of pesticides and fertilizers and the operation of internal combustion engine powered equipment, and other maintenance activities.

Routes of exposure: Environmental exposures through inhalation of gases, vapors and aerosols emitted from the subject maintenance activities and via skin contact and/or ingestion due to the presence of Designated Chemicals on surfaces and other locations with which persons, in particular children may come into contact through touching such surfaces and then be exposed to Designated Chemicals through ingestion.

Location or description of person(s) exposed: Tenants and their guests and visitors and Violator's business invitees, contractors and employees are exposed when they are present during and after such maintenance activities around the Violator's Apartment Property.

Names of materials containing Proposition 65-listed chemicals and reason for listing:

- Exterior apartment structural maintenance results in exposures to Apartment Properties Construction Materials as set forth in Paragraph 4 and incorporated herein by reference including but not limited to roofing materials, insulation, structural construction materials and paints/coatings which contain Designated Chemicals which are emitted or present as described in Paragraph 4. In addition, products commonly used by the Violator to repair roofing and pavement manufactured by the Henry Company including Crack Filler, Driveway Resurfacer, Crack repair, Wet Patch Roof Cement, Cold Asphalt Roof Cement, Asphalt Roof Tap Cement, Elastomeric Roof Cement, and Aluminum Roof Coating.
- Emissions of materials containing Designated Chemicals from Power Tools Use including but not limited to skill saws, circular saws, table saws, band saws, mitre saws, sabre saws and jig saws; sanders, buffers and polishers, drills, planers and routers can contain any Designated Chemical contained on or in the construction materials, surface coating and paints being shaped or sanded or from any abrasive material used. The most common designated chemicals include: crystalline silica (cancer), lead (cancer, developmental toxicity and other reproductive harm), cadmium (cancer), asbestos (cancer and developmental toxicity and other reproductive harm), arsenic and its inorganic oxides (cancer and developmental toxicity), hexavalent chromium compounds (cancer), cobalt oxide (cancer) and nickel and certain nickel compounds (cancer).
- Painting and painted or finished surface maintenance including the paints, finishers and other surface maintenance materials that contain designated materials set forth in Paragraph 4 and incorporated herein by reference.

- Fertilizers and Soil Amendments applied during landscaping and which may remain thereafter on surfaces or may be emitted into the air during application or thereafter. Such fertilizing materials include, but are not limited to, mineral-based fertilizers that contain lead acetate (cancer), lead (cancer and developmental toxicity and other reproductive harm), cadmium and cadmium compounds (cancer and developmental toxicity and other reproductive harm), arsenic and its inorganic oxides (cancer and developmental toxicity), hexavalent chromium compounds (cancer), and mercury and mercury compounds (developmental toxicity), 3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) (cancer and developmental toxicity), Cobalt[II]oxide (cancer), hexachlorodibenzodioxin (cancer), nickel and certain nickel compounds (cancer) polychlorinated biphenyls (cancer and developmental toxicity), polychlorinated dibenzofurans (cancer), radionuclides (cancer) and crystalline silica (cancer). Manufacturers of such fertilizers include but are not limited to J.R. Simplot, Loncal, Ashland, IMC-Apico, Freeport-McMoran, H.J. Baker, Cebrex, Jim Hicks, Actagro, Cero-Power, Gro More, John Pryor, John Taylor, Bandini, Wilbur-Ellis, Ironite, Lilly, Conagra and Stern's Miracle-Gro.
- Pesticides used in landscaping and plant care and insect/rodent control including but not limited to those pesticides set forth in Paragraph 9 and incorporated herein by reference.
- Operation of Internal Combustion Engine Powered Landscaping Equipment including, but not limited to, lawn mowers, edgers, weed eaters and leaf blowers which emit gasoline engine exhaust (cancer).

**F. Exposures to Designated Chemicals Associated with Apartment Property Amenities**

11. Apartment Property amenities include swimming pools, hot tubs, exercise facilities, arts and crafts, clubhouse or common area restrooms, clubhouse or common area fireplaces and food services.

Short description: Many Apartment Properties provide amenities to tenants which ~~may~~ give rise to exposures to Designated Chemicals for which warnings have not been provided as required. The Designated Chemicals associated with such amenities are set forth in the following:

Route of exposure: Environmental exposures occur through inhalation of gaseous, vapors or aerosol emissions of Designated Chemicals, as well as skin contact and subsequent ingestion of Designated Chemicals and ingestion of Designated Chemicals associated with food services.

Location of exposure and person(s) exposed: Exposures to Designated Chemicals occur during use and maintenance of amenities at Apartment Properties. Persons exposed include tenants and their guests and visitors, and Violator's business invitees, contractors and employees.

Names of materials containing Proposition 65-listed chemicals and reason for listing:

- Swimming pools, Jacuzzis and hot tubs located on apartment properties use disinfectants containing chlorine and bromine, which react with waterborne organic compounds, like methane, to form carcinogen compounds including: Chloroform (cancer), bromoform (cancer) and bromodichloro methane (cancer) formed during disinfection of water. All commercial pool/hot tube disinfection systems utilize chlorine and/or bromine chemistry to react with organic contaminants. Apartment operators typically use commercial product lines like Ecolab, HASA, Nalco, Taylor Technologies, All Pure, All Chem, Applied Bio Chemists, Aqua Clear, Olin, Leisure Time, Alliance, Sierra Chemical and others with similar chemistry. Pools and spas also use filtering systems with diatomaceous earth with contains crystalline silica (cancer). Certain clarifier chemicals and biocides are based on amine chemistry including but not limited to Applied Biochemists products containing ethylene oxide (cancer and reproductive harm).
- Food and Beverage Service or granting permission to use food service facilities in Apartment Property common areas which can cause exposures to Designated Chemicals through foods, water and beverages, as well as the glassware and tableware on which the food is served, and the food service environmental contain chemicals which require a warning. Food ingredients, including but not limited to meat, fish and produce may contain detectable levels of designated chemicals. Meats contain anabolic steroids (reproductive toxicity), testosterone and its esters (cancer), streptomycin sulfate (developmental toxicity), and other chemicals (cancer and developmental toxicity and other reproductive harm). Fish especially canned tuna fish and shellfish contain mercury and its compounds (developmental toxicity), methyl mercury (developmental toxicity), methyl mercury compounds (cancer), DDT and its isomers (cancer, developmental toxicity and other reproductive harm), and poly-chlorinated biphenyls (cancer and developmental toxicity) and other chemicals (cancer and developmental toxicity and other reproductive harm). Produce contains chloroform (cancer) due to processing water that contained chlorine disinfectant and pesticide and fertilizer residues that contain designated chemicals (cancer and developmental toxicity and other reproductive harm). Certain grains, cereals, nuts and peanut butter contain aflatoxins (cancer) as a naturally-occurring fungal toxin. Prepared foods, in particular, pan fried, broiled and grilled meats and fish contain benzo(a)pyrene (cancer) and other related polycyclic aromatic organic compounds (cancer). Fried food, in particular french fried potatoes, contains acrylamide (cancer). Certain processed foods including cereals and baked goods, and potato chips and other snack foods contain acrylamide (cancer).
- Kitchen cleaning and sanitation: Cleaning products used in kitchens are generally the same as those used in apartment cleaning by the Violator as described in Paragraph 9 that is incorporated herein by this reference which lists such cleaning and sanitizing products and the Designated

Chemicals to which persons in and around kitchens are exposed. In addition, dishwashing detergents made by Proctor and Gamble, Shaklee Corp., Benckiser Consumer Products, Unilever and others contain arsenic compounds including arsenic oxide (cancer and developmental toxicity) and lead (cancer and developmental toxicity and other reproductive harm).

- Alcoholic beverage consumption through providing and serving such beverages or permitting tenants and other persons using common areas to serve alcoholic beverages causes an exposure through ingestion consumption to ethyl alcohol in alcoholic beverages (developmental toxicity).
- Use of fuels in kitchens and in food services causes exposures to Designated Chemicals as follows: Sterno cooking fuel manufactured by Candle Corporation of America, Colgate Palmolive, Western Family Foods, Ecolab and other makers contains ethyl alcohol and when ignited emit soots, tars and mineral oils (cancer), acetaldehyde (cancer), benzene (cancer, developmental toxicity and other reproductive harm), carbon monoxide (developmental toxicity), and formaldehyde (cancer). In addition, combustion of natural gas and compressed or liquefied fuel gases including CNG, LNG and LPG cause inhalation exposures to persons in and around kitchens to Designated Chemicals listed in Paragraph 5 and referenced herein.
- Exercise facilities provided by some Apartment Properties cause exposures to Designated Chemicals as follows: Tenants and other persons using exercise equipment are exposed by handling of exercise hand weights and metal/plastic/rubber grips on exercise equipment and then ingesting Designated Chemicals through hand to mouth contact. Such equipment is manufactured by Keys Fitness Products, York Barbell Company, Bollinger Industries, Cap Barbell and other makers and contains lead and lead compounds (cancer, developmental toxicity and other reproductive harm), and vinyl chloride (cancer).

GRAHAM & MARTIN LLP

Dated: November 23, 2004

**CERTIFICATE OF MERIT**  
**Health and Safety Code Section 25249.7(d)**

I, Anthony G. Graham, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

2. I am member of the State Bar of California, a partner of the law firm of Graham & Martin, LLP, and attorney for noticing parties Consumer Defense Group Action.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding alleged exposures to the listed chemicals that are the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Irvine, California on November 23, 2004.

## EXHIBIT A: All Owners

105 East I Street, L.P.  
111 Chestnut HOA  
1130 Cottonwood Rd L.P.  
11th Avenue Townhome Association  
1200 California HOA  
136000 E. Parlier Avenue L.P.  
1400 Hood Street L.P.  
148 Date Avenue L.P.  
15th Avenue Housing Corporation  
160 Euclid Partners, L.P., (A California L.P.)  
1710 Moorpark Ave., L.P.  
217 N. Derby L.P.  
22 P Street L.P.  
220 Lombard HOA  
235 Berendo L.P.  
240 Lombard HOA  
2814 - 5th Street Assc., Ltd.  
28500 Pujol Street, L.P.  
3804 Wisconsin Street Partnership, L.P.  
381 Turk Street Apartments  
3839 Wisconsin Street Partnership, L.P.  
3995 Alemany Development L.P.  
5159 Clara Street L.P.  
5203 Live Oak, L.P.  
710 Brundage Lane L.P.  
7632 21st Street L.P.  
836 Fedora L.P.  
8665 Florin Road Homeowner's Association  
950 Harrison Street Lofts H.O.A.  
9922 Flora Vista Limited Partnership  
A.G. Davum, Ltd.  
Adeline Street Apartments, L.P.  
Albany Creekside, L.P.  
All Housing Inc.  
Alliance For Community Care  
Alvarez Court Apartments, Inc.  
Alves Lane, L.P.  
AMCAL Woodranch Fund XXXVII LP  
Amistad Apartments L.P.  
Ammel Park, Inc.  
Asbury Apartments, L.P.  
Aspen Drive Housing, Inc.  
Assoc'd Filipino Org'ns. Of San Joaquin Co. Inc.  
Astoria Gardens Tenants Association  
Avenida terrace Limited Partnership  
Bay Bridge Corporation  
Bay Homes Development Corp.  
Bayanihan Partners (A California L.P.)  
Baywood Affordable L.P.  
Beachcomber Mobile Home Park, Inc.  
Belmont Terrace Assoc. Ltd., (A California L.P.)  
Benicia Housing Partners, L.P.  
Betty Anne Gardens, L.P.



## EXHIBIT A: All Owners

BOMH (Bridge Oakland Mutual Housing)  
Bonifacio Place, Inc.  
Bowron Road, L.P.  
Brandon Apartments L.P.  
Breihan Housing Associates L.P.  
Broadway Towers HOA  
Bryson Family Apartments Limited Partnership  
BWOA (Bridge West Oakland Housing)  
Cal-Stockton Investors  
Calvert Street Apartments L.P.  
Camera Housing Associates, L.P.  
Cape Marin HOA  
Carlson Blvd., L.P.  
Carson Terrace Limited Partnership  
Casa Ramon L.P.  
Casa Rampart Limited Partnership  
Casitas Alameda HOA  
Cedar Road Housing Associates, A California Limited Partnership  
Chestnut Linden Associates L.P.  
Chestnut St. L.P.  
City & County of San Francisco Department of Public Health  
City Housing-Rudgy Associates, L.P.  
City of San Jose  
City of San Marcos  
Community Housing Solutions  
Community Housing Works  
Cooperative Services, Inc.  
Cordova Village Apartments, Limited Partnership  
Country Village HOA  
Craig Gardens, L.P.  
Crescent Manor Associates  
CRI-U.A. Housing Partnership  
Davis Area Cooperative Housing Association  
Davis MHA Twin Pines Community Association (A California L.P.)  
Davis Mutual Housing Association  
Daybreak Housing Assoc. Partnership, (A California L.P.)  
De Luz Housing Assoc., L.P.  
Denni Street Partners L.P.  
Devonwood HOA  
Drachma Housing L.P.  
Drachma Inc.  
Dwight Way Housing, Inc.  
Eastmont Court, Inc.  
Eden Victoria Limited Partnership  
El Camino Family Housing, L.P.  
El Centro-Loretto, L.P.  
El Paseo Apartments, L.P.  
El Rio Mobile Home Park Co-operative, Inc.  
Elizabeth Court West and East L.P.  
Elizabeth Oaks, Ltd. Partnership  
Episcopal Community Services  
Esperanza Garden Apartments, L.P.  
Eucalyptus Knoll HOA  
Eucalyptus View Coop. Housing. Assoc., L.P.

## EXHIBIT A: All Owners

Failbook View Housing Associates, L.P.  
First United Methodist Church Tower Properties, L.P.  
Fox Normandie Apartments L.P.  
Foxboro Downs HOA  
Ginden R&B Company, (A California L.P.)  
Giovanni Center, Inc.  
Glen and Chris LaCartz  
Glide Housing Associates, (A California L.P.)  
Gower Street Apartments L.P.  
Grand Avenue Family Housing, L.P.  
Greater Golden Hills Community Development Corp.  
Guadalupe Associates, a Ltd. Partnership  
Haley Ranch Estates Housing Associates, L.P.  
Harrison Hotel Associates, LP  
Heritage Partners Limited Partnership  
Hilarita Limited Partnership  
Home Base Homes, Inc  
Hoover Senior  
Hotel Grand Southern L.P.  
Interfaith Housing Foundation, Inc.  
Jack Baskin, Inc.  
Jamboree -Tal Housing L.P.  
Jamboree-Tal Housing II, L.P.  
Jeanne D'Arc Manor, Inc.  
JHC Culver L.P.  
Joseph & Jane Amaral  
King Road Associates, L.P.  
Knolls Community Association Limited Partnership  
La Primavera Apartments, L.P.  
Laguna Heights Corp.  
Lakeside Apartments, LP  
Las Casas de Maderas Cooperative, Inc.  
Las Casitas Ltd. Partnership  
Las Jicamas Apartments, L.P.  
Las Palomas Hotel L.P.  
LINC Housing  
Loma Vista Estates Owners Association, Inc.  
Los Girasoles Limited Partnership  
Lyric Housing Associates, (A California L.P.)  
Mandela Gateway Associates L.P.  
Maplewood Housing Associates, L.P.  
Marina Tower Annex Associates, L.P.  
Maryland Apartments, L.P.  
Mei Lun Yuen, Inc.  
Mission Grove Housing, L.P.  
Mobile Home Finance Authority  
Murphy Ranch L.P.  
Napa Housing Foundation  
Nettleton Road Housing Associates (A California L.P.)  
NHPAHP Kimberly Park, L.P.  
NHPAHP Mayberry Limited Partnership  
NHPAHP Villa Paloma, L.P.  
NHPAHP Vista Seniors Limited Partnership  
NHPAHP/Meadow View Apts. L.P.

## EXHIBIT A: All Owners

North Bay Industries Inc.  
North Beach Housing Associates, Ltd., (A California L.P.)  
North Beach Malt House HOA  
North Town Housing Partners, (A California L. P.)  
Northgate Grandview, L.P.  
Oakland Point, Limited Partnership  
Olen Jones Senior Apartment Community, L.P.  
Olive Court Apartments L.P.  
Orange Place Housing Assoc., (A California L.P.)  
Osage Senior Villas L.P.  
Otay Commercial One LLC  
Pacific Community Service  
Pacific Family MHP Co-op  
Pacifica Community Associates, L. P., (A California L.P.)  
Parker Hotel L.P.  
Parkview Apartments Associates.  
Paula Apartments  
Pinecrest Affordable Housing, L.P.  
Piper Court Ltd.  
Ponderosa Estates, Inc.  
Potrero Court HOA  
Poway Villas Comm. Housing  
Providence Homeowner's Association  
Redwood Gardens Owners Assn.  
Resources for Community Development  
Ridgeview Terrace Affordable Housing, Inc.  
Rincon de Los Esteros Associates, (A California L.P.)  
Robinson Affordable Homes  
ROEM Development Corp., (A California L.P.)  
Romel Enterprises, LCC  
Rowland Heights Preservation Limited Partnership  
Rubicon Programs  
Sacramento Housing & Redevelopment Agency  
Salvation Army Westwood Village Limited Partnership  
San Diego SRO, L.P.  
San Lorenzo Park, Ltd. Partners  
Sea View Ranch HOA  
Seminary Haven Court, L.P.  
Shasta Hotel Investors Partnership  
Shelter Bay Condo. Owners Association  
Shiloh Arms, Ltd.  
SHS Property Management L.P.  
South Bay Community Services  
South Bay Community Villas, L.P.  
South Berkeley Neighborhood Development Corp.  
Southfield Park Condo. Owners Assn.  
Springdale Preservation Limited Partnership  
St. John's Ltd.  
St. Patrick's Parish  
Standard Pacific Homes  
Stanley Affordable Housing, L.P.  
Suisun City Redevelopment Agency  
Sunrise Pointe Homeowners Assn.  
Sutterfield HOA

## EXHIBIT A: All Owners

SVOC Affordable Homes  
Tennyson Preservation L.P.  
Terrace Gardens Inc.  
The ARC Apartments, L.P.  
The Dreidger 2002 Revocable Trust  
The Jordan Housing Corporation  
The Knox Partners, L.P.  
The Presidio Trust  
The Salvation Army, San Francisco Silvercrest, L.P.  
Thelma Arms, Inc.  
TODCO (Tenants Owners Development Corporation)  
Tremont Street Apartments, L.P.  
Trolley Terrace Townhomes, L.P.  
Troy Associates, Inc.  
Turnagain Arms Community Housing Assn.  
University Avenue Housing, Inc.  
University Park Associates, (A California L.P.)  
Valencia Gardens Housing L.P.  
Vallejo Carolina Partners, L.P.  
Vallejo Maine I Partners, L.P.  
Vallejo Maine II Partners, L.P.  
Vernon Street Housing  
Village East Apts., Ltd.  
Villages at Treasure Island  
Vista Nueva L.P.  
Wakeham-Grant Apartments Ltd. Partnership  
Washington Court Limited Partnership  
Washington Courtyard Limited Partnership (A CA L.P.)  
West Capitol Courtyard Ltd. Partnership.  
West Sacramento Housing Development Corp.  
West Valley Hart, L. P.  
William Byron Rumford, Sr. Plaza Associates  
Willow Glen Associates, Ltd.,(A California L.P.)  
Winona Gardens Housing Associates, L.P.  
Wisconsin Street L.P.  
Woodhaven Sr. Rs. LL.P.  
Yolo Mutual Housing Association Tremont Green Associates

## EXHIBIT B: All Properties

<u>Property Name</u>	<u>Address</u>	<u>City, State</u>	<u>Zip</u>
111 Chestnut HOA	111 Chestnut Street	San Francisco, CA	94111
1200 California Corp.	1200 California Street	San Francisco, CA	94109
15th Avenue Cooperative	444 West 15th Avenue	Escondido, CA	92025
1823 "H" Street Apartments	1823 "H" Street	Sacramento, CA	95814
2019 Arena Drive	2019 Arena Drive	Davis, CA	95616
220 Lombard HOA	220 Lombard Street	San Francisco, CA	94111
240 Lombard HOA	240 Lombard Street	San Francisco, CA	94111
381 Turk Street Apartments	mail: 467 Turk Street	San Francisco, CA	94102
5524 Marden Street	5524 Marden Street	Davis, CA	95616
950 Harrison Street Lofts H.O.A.	950 Harrison Street	San Francisco, CA	94107
Acorn I & II Apartments	1143 10th Street	Oakland, CA	94607
Acorn III Apartments	1143 10th Street	Oakland, CA	94607
Adeline Street Apartments	3224 Adeline Street	Berkeley, CA	94703
Alexis Apartments	390 Clementina Street	San Francisco, CA	94103
Alliance for Community Care - 14	525 S. 9th Street	San Jose, CA	95112
Almaden Terrace	2118 Candas Garden Ave.	San Jose, CA	95125
Almond Gardens	709 Almond Street #A	Suisun City, CA	94585
Alvarez Court	760 Alvarez Avenue	Pinole, CA	94564
Amistad Apartments	2037 N. Lincoln Park Avenue	Los Angeles, CA	90031
Ammel Park	656 Grove Street	San Francisco, CA	94102
ARC Apartments	416 Bay Street	San Francisco, CA	94133
Asbury Apartments	2505 West 6th Street, #508	Los Angeles, CA	90057
Aspen Court Apartments	121 Aspen Drive	Pacheco, CA	94553
Astoria Gardens	14015 Astoria Street, Ste. A	Sylmar, CA	91342
Avenida Terrace Apartments	245 South Avenue 54	Los Angeles, CA	90042
Bakersfield Family Apartments	710 E. Brundage Lane	Bakersfield, CA	93307
Bandar Salaam	3810 Winona Avenue #100	San Diego, CA	92105
Bartlett Hill Manor Apts.	625 N. Bunker Hill Ave., #110	Los Angeles, CA	90012
Bay Bridge Apartments	1034-1044 36th Street	Emeryville, CA	94608
Bayanihan House	88 Sixth Street, mail c/o Hotel Isabel	San Francisco, CA	94103
Baywood Apartments	225 41st Street	Oakland, CA	94611
Beachcomber Mobile Home Park	2627 Mattison Lane, Sp 14	Santa Cruz, CA	95062
Bellflower Terrace Senior Apartments	9922 Flora Vista Street	Bellflower, CA	90706
Belmont Terrace	1060 Continentals Way	Belmont, CA	94002
Betty Ann Gardens	941-949 Lundy Ave.	San Jose, CA	95133
Brandon Apartments	735 Hartford Avenue	Los Angeles, CA	90017
Broadway Towers HOA	1998 Broadway	San Francisco, CA	94109
Brooks House Senior Apartments, The	655 Richmond Avenue	San Jose, CA	95128
Bryson Apartments	2701 Wilshire Blvd.	Los Angeles, CA	90057
Burgess Point	91 Riverview Terrace	Benecia, CA	94510
Caldera Place	2401 Bonaficio Street	Concord, CA	94520
Camara Circle	2501-2566 Camara Circle	Concord, CA	94520
Camden Place Apts.	4500 Montecito Drive	La Palma, CA	90623
Camelot Hotel	124 Turk Street	San Francisco, CA	94012
Cape Marin	C/O JSCo San Francisco Office	Greenbrae, CA	94904
Carson Terrace Apartments	673 East 219th Street	Carson, CA	90745
Casa de La Paloma Blanca Apartments	1301 Haven Drive	Arvin, CA	93203
Casa Feliz	525 S. 9th Street	San Jose, CA	95112
Casa Puleta Apartments	1445 South 45th Street, #100	San Diego, CA	92113
Casa Ramon Apts.	840 W. Walnut	Orange, CA	92868
Casa Rampart Apartments	401 So. Rampart Blvd.	Los Angeles, CA	90057

## EXHIBIT B: All Properties

<u>Property Name</u>	<u>Address</u>	<u>City, State</u>	<u>Zip</u>
Casitas Alameda	1101 Vendemar	Alameda, CA	94502
Ceatrice Polite Apts	321 Clementina	San Francisco, CA	94103
Cecil Williams Glide Community House	333 Taylor Street	San Francisco, CA	94102
Cedar Road Apartments	245 Cedar Road, #23	Vista, CA	92083
Chestnut Street Apartments-SC	143 Chestnut Street	Santa Cruz, CA	95060
Chestnut-Linden Court Apartments (2 bldgs.)	1060 West Grand Ave.	Oakland, CA	94607
Clara Court Apts.	5159 Clara Street	Cudahy, CA	90201
Community of All Nations	2172 Dockery Court	Stockton, CA	95206
Concord House	20373 Concord Ave.	Hayward, CA	94541
Cordova Village	1280 East "J" Street	Chula Vista, CA	91910
Cornerstone Apartments	14128 Calvert Street	Van Nuys, CA	91401
Cottonwood Village	1130 Cottonwood Road	Bakersfield, CA	93307
Country Village	Village Place	Martinez, CA	94553
Craig Gardens Sr. Housing	2580 South Bascom Avenue	Campbell, CA	95008
Creekside Apartments	1155 San Pablo Ave.	Albany, CA	94702
Creekview Inn SRO	965 Lundy Ave.	San Jose, CA	95133
Crescent Manor Residence SRO	467 Turk Street	San Francisco, CA	94102
Cummins Row Apartments	685 Lighthouse Drive	Sacramento, CA	95605
Daybreak Grove/Sunrise	1256 E. Washington	Escondido, CA	92083
De Luz Senior Apartments	420 N. Pico Avenue #11	Fallbrook, CA	92028
Devonwood	Devonwood Street	Hercules, CA	94547
Don Senior Apartments, The	105 East I Street	Wilmington, CA	90744
Drachma L.P.	1448 10th Street	Oakland, CA	94607
Drachma, Inc.	1448 10th Street	Oakland, CA	94607
Dwight Way Apartments	1518 Dwight Way	Berkeley, CA	94703
Eastmont Court Apartments	6850 Foothill Blvd.	Oakland, CA	94605
El Centro - Loretto	1021 North Hoover Street	Los Angeles, CA	90029
El Corazon	7006 Alabama Ave.	Canoga Park, CA	91303
El Paseo Studios	4980 Hamilton Avenue	San Jose, CA	95126
El Rio Mobile Home Park Co-op	2120 N. Pacific Ave.	Santa Cruz, CA	95060
Elaine Null Court Apartments	112 Alves Lane	Baypoint, CA	94565
Elizabeth Court	5225-5227 Elizabeth Street.	Cudahy, CA	90201
Elizabeth Oaks	1460 Jose Ave.	Santa Cruz, CA	95062
Elm Hotel	364 Eddy Street	San Francisco, CA	94102
Emerald Garden Townhomes	425 W. 11th Avenue #2	Escondido, CA	92025
Erna P. Harris Court	1330 University Ave.	Berkeley, CA	94702
Esperanza Garden Apartments	920 Regal Road	Encinitas, CA	92024
Eucalyptus Knoll	Eucalyptus Knoll Street	Mill Valley, CA	94941
Eucalyptus View Apartments	1805 S. Escondido Blvd.	Escondido, CA	92025
Euclid Villa Apartments	154 South Euclid Ave.#105	Pasadena, CA	91101
Evergreen Apartments	2139-2145 Evergreen Ave.	West Sacramento, CA	95605
Fallbrook View	temp: 833 A South Main Ave., #429	Fallbrook, CA	92028
Fedora Apartments	836 Fedora Street	Los Angeles, CA	90005
Filipino Plaza	6 West Main Street, #H	Stockton, CA	95202
Fox Normandie Apartments	849 S. Normandie Avenue	Los Angeles, CA	90005
Foxboro Downs	C/O JSCo San Francisco Office	Hercules, CA	94547
Franklin Cooperative	5503-5539 Tufts Street	Davis, CA	95616
Gadberry Court Senior Housing	2555 Alum Rock Avenue	San Jose, CA	95116
Geil Street Apartments	11299 Geil Street	Castroville, CA	95012
Giovanni Center	195 E. San Fernando	San Jose, CA	95112
Golden Villas Apartments	3385 Elm Street	San Diego, CA	92102

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<u>Property Name</u>	<u>Address</u>	<u>City, State</u>	<u>Zip</u>
Golf Green Mobile Estates	8665 Florin Rd.	Sacramento, CA	95828
Gower Street Apartments	1140 North Gower Street	Los Angeles, CA	90038
Guadalupe Apartments	76 Duane Street	San Jose, CA	95126
Haight Street House	461 Haight Avenue	Alameda, CA	94501
Haley Ranch Estates	13455 Poway Creek Road	Poway, CA	92064
Harrison, The	1415 Harrison Street	Oakland, CA	94612
Harvest Ridge	1388 E. Palomar Street	Chula Vista, CA	91913
Harvest Ridge Commercial only	1388 E. Palomar Street	Chula Vista, CA	91913
Henderson Homes	3804 Wisconsin Street	Los Angeles, CA	90037
Heritage Villas Senior Apartments	26836 Oso Parkway	Mission Viejo, CA	92691
Hilarita Apartments, The	100 Ned's Way	Tiburon, Ca	94920
Hillside Village	12979 Community Road (P.O. box 1090)	Poway, CA	92064
Home Base Homes	c/o Monte Alban, 1324 Santee Dr.	San Jose, CA	95112
Hood Street Apartments	1400 Hood Street	Arvin, CA	93203
Hoover Senior	6212 S. Hoover	Los Angeles, CA	90044
Hotel Isabel	1095 Mission Street	San Francisco, CA	94103
Humphrey Place	1450 Humphrey Dr.	Suisun City, CA	94585
Huntington Park Rugby Plaza Apartments	6330 Rugby Plaza Avenue	Huntington Park, CA	90255
International Boulevard (Phase I)	6600 International Boulevard	Oakland, CA	94621
Jeanne d'Arc Manor	85 S. 5th Street	San Jose, CA	95112
Jordan Apartments, The	820 O'Farrell Street	San Francisco, CA	94109
Kimberly Park Apartments	15135 Kimberly Drive	Victorville, CA	92394
Knolls Apartments, The	688 Vineyard Road	San Marcos, CA	92069
Knox SRO, The	241 6th Street	San Francisco, CA	94103
La Posada Apartments	135 Averil Road	San Ysidro, CA	92173
La Primavera Apartments	1330 S. Olive Street	Los Angeles, CA	90015
Laguna Heights	85 Cleary Court	San Francisco, CA	94019
Lakeside Apartments	1897 Oakmead Drive	Concord, CA	94520
Land Park Woods	2814 5th Street #101	Sacramento, CA	95818
Las Casas de Maderas Co-op	510 E. Market Street	Salinas, CA	93905
Las Casitas Apartments	26409 Gading Road	Hayward, CA	94544
Las Casitas I	9769-9789 Main Street	Rancho Cucamonga, CA	91730
Las Casitas II (Canoga Park)	7006 (7409-7413) Alabama Street	Canoga Park, CA	91303
Las Jicamas Apartments	110 Martinez Place	Soledad, CA	93960
Las Palomas Hotel	2201 East 1st Street	Los Angeles, CA	90038
Le Nain Hotel	730 Eddy Street	San Francisco, CA	94102
Leland Apartments	980 Howard Street	San Francisco, CA	94103
Little Berendo Apartments	235 South Berendo Street	Los Angeles, CA	90004
Live Oak Gardens	5203 Live Oaks Street	Cudahy, CA	90201
Loma Vista Estates, Inc. (Mobilehome Park)	4425 Clares Street #80	Capitola, CA	95010
Lorin Station Plaza	3253 Adeline Street	Berkeley, CA	94703
Los Esteros Apartments	1780 Old Oakland Road	San Jose, CA	95131
Los Girasoles Apartments	952 S. Record Avenue	Los Angeles, CA	90023
Luis "Spud" Moreno Senior Apartments	1113 Rancho Frontera Ave., #74	Calexico, CA	92231
Lyric Hotel	140 Jones Street	San Francisco, CA	94102
Mandela Gateway	1350 7th Street	Oakland, CA	94607
Maplewood Apartments	12709 Maplevue Street	Lakeside, CA	92040
Marina Heights Apartments	135 Carolina Street	Vallejo, CA	94590
Marina Tower	601 Sacramento Street	Vallejo, CA	94590
Marina Tower Annex	575 Sacramento Street	Vallejo, CA	94590
Marina Vista I	201 Maine Street	Vallejo, CA	94590

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<u>Property Name</u>	<u>Address</u>	<u>City, State</u>	<u>Zip</u>
Marina Vista II	201 Maine Street	Vallejo, CA	94590
Marisol Apartments	1115-1127 S. Beck Street	Oceanside, CA	92025
Marlon Riggs Apartments / Vernon Street	269 Vernon Street	Oakland, CA	94610
Maryland Apartments	1340 Maryland Street	Los Angeles, CA	90037
Meadow Glen Apartments	2451 Meadowview Road	Sacramento, CA	95832
Mei Lun Yuen	945 Sacramento Street	San Francisco, CA	94108
Mendelsohn House	737 Folsom Street	San Francisco, CA	94107
Mendocino at Talega II	125 Calle Amistad	San Clemente, CA	92673
Mendocino at Talega I	123 Calle Amistad	San Clemente, CA	92673
Mentone Hotel	387 Ellis Street	San Francisco, CA	94102
Metro Hotel, I & II, The	435 13th Street	San Diego, CA	92101
Mill Creek Apartments	60 Camino Alto #8	Mill Valley, CA	94941
Mobile Home Finance Authority	PO Box 2137	San Marcos, CA	92069
Monte Alban Apartments	1324 Santee Dr.	San Jose, CA	95122
Monte Vista Gardens Family Housing	2601 Nuestra Castillo Ct.	San Jose, CA	95127
Monte Vista Gardens Senior Housing I	2601 Nuestra Castillo Ct.	San Jose, CA	95127
Monte Vista Gardens Senior Housing II	2601 Nuestra Castillo Ct.	San Jose, CA	95127
Montecito Vista Apartments	Culver Drive/Farwell	Irvine, CA	92604
Muirfield Apartments	712 Laguna Dr. #207	Rohnert Park, CA	94928
Murphy Ranch Townhomes	310 East Dunne Avenue	Morgan Hill, CA	95037
Napa Creek Manor	1300 Jefferson Street	Napa, CA	94559
Nettleton Apartments	160 Nettleton Road	Vista, CA	92083
North Beach Malt House HOA	2230 Mason Street	San Francisco, CA	94133
North Beach Place	445 Bay Street, Ste. 238	San Francisco, CA	94133
Northgate Family Residences	2301 Northgate Avenue	Oakland, CA	94612
Norwood Avenue Apartments	3267 Norwood Ave.	Sacramento, CA	95838
Oak Hill Apartments	27 Mariposa Ave. #10	San Anselmo, CA	94960
Oakland Point L.P.	1448 10th Street	Oakland, CA	94607
Oceanview Village HOA	8300 Oceanview Terrace, #104	San Francisco, CA	94132
Oceanview/Breakers Apts (2 Bldgs.)	222 Columbia Street	Santa Cruz, CA	95060
Old Grove Apartments	235 Via Pelicano Rd.	Oceanside, CA	92057
Olen Jones Senior Apartment Community	7125 Amethyst Avenue	Rancho Cucamonga, CA	91701
Olive Court Apartments	44056 Arabia Street	Indio, CA	92201
Orange Place Townhomes	1500 South Orange Place	Escondido, CA	92025
Orchard Gardens Apartments	245 Weddell Dr.	Sunnyvale, CA	94089
Osage Senior Villas	924 South Osage Avenue	Inglewood, CA	90301
Owendale Community	3023 Albany Street	Davis, CA	95616
P Street Apartments	710 Brundage Lane	Bakersfield, CA	93304
Pacific Family MHP Co-op	1730 Commercial Way #40	Santa Cruz, CA	95062
Park Grand Apartments	858 E. Grand Ave., Ste. 7	Pomona, CA	91766
Parker Hotel	725 S. Witmer Street	Los Angeles, CA	90017
Parkview Terrace Apartments	13250 Civic Center Drive	Poway, CA	92064
Parlier Family Apartments	136000 East Parlier Avenue	Parlier, CA	91403
Paula Apartments	801 Paula Street #1	San Jose, CA	95126
Pecan House	840 Pecan Street	West Sacramento, CA	95691
Pennbrook Apartments	95 Pennsylvania Drive	Watsonville, CA	95076
Phoenix Park (Phases I & II)	7477 El Mingo Way, #1	Sacramento, CA	95823
Pinecrest Apartments	1101 Alturas Street	Fallbrook, CA	92028
Pine View Apartment Homes	1945 Cavallo Road	Antioch, CA	94509
Piper Court	191 Piper Court	Fairfax, CA	94930
Ponderosa Estates	1001 Drake Ave.	Marin City, CA	94965



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<u>Property Name</u>	<u>Address</u>	<u>City, State</u>	<u>Zip</u>
Porterville Family Apartments	93 East Date Avenue	Porterville, CA	93258
Potrero Court HOA	2225 23rd Street	San Francisco, CA	94107
Poway Villas	13001 Bowron Road	Poway, CA	92064
Presidio Residences	Bldg. 558 Presidio Blvd. PO Box 29922	San Francisco, CA	94129
Presidio Village	200 Presidio Lane	Pittsburgh, CA	94565
Providence HOA	20th & 19th Avenue	San Francisco, CA	94122
Redwood Gardens (Condo)	Village Parkway	Napa, CA	94558
Redwood Gardens (Sr. Housing Coop)	2951 Derby Street	Berkeley, CA	94705
Richmond Townhouses	2889 Pullman Avenue	Richmond, CA	94804
Ridgeview Terrace Townhomes	140 Cashmere Street	San Francisco, CA	94124
Riley Court	2061 Riley Court	Concord, CA	94520
Riverbank Village Apartments	28500 Pujol Street	Temecula, CA	92590
Robinson Affordable Housing	1340 Hudson Ave.	San Francisco, CA	94124
Robinson Villas	3839 Wisconsin Street	Los Angeles, CA	90037
Rose Gardens Senior Housing	3071 Rose Avenue	San Jose, CA	95127
Rosewood Manor	1615 Russell Street #A101	Berkeley, CA	94703
Rowland Heights Terrace	1945 S. Batson Ave.	Rowland Heights, CA	91748
Royal Adah Arms	1240 Fillmore Street	San Francisco, CA	94115
Rubicon Villages	410 Palm Ave. Bldg. Suite 108	Treasure Island, CA	94130
Salishan Apartments	300 "K" Street #207	Petaluma, CA	94952
San Francisco Silvercrest	133 Shipley Street	San Francisco, CA	94107
San Lorenzo Park Apts.	134 Dakota Ave.	Santa Cruz, CA	95060
San Marcos Affordable Housing Program	POB 2137, (1 Civic Center Drive, Poway)	San Marcos, CA	92069
Santa Inez	24 East Santa Inez	San Mateo, CA	94401
Sea View Ranch HOA	C/O JSCo San Cruz Office	Santa Cruz, CA	95060
Shasta Hotel	1017 10th Street	Sacramento, CA	95814
Shelter Bay Condominiums	2304 Shelter Bay Ave.	Mill Valley, CA	94941
Shelter Hill Apartments	37 Miwok Way	Mill Valley, CA	94941
Shiloh Arms	4009 23rd Ave.	Sacramento, CA	95820
Shiraz Senior Housing	1295 McLaughlin Avenue	San Jose, CA	95122
Sorrento Villas Senior Apartment Homes	415 Country Club Drive	Simi Valley, CA	93065
Southfield Park	1106 Greene Terrace	Davis, CA	95616
Springdale West Apartments	2095 West Spring Street	Long Beach, CA	90810
St. John's Apartments	121 W. MacDonald Ave.	Richmond, CA	94801
Stanley Avenue Apartments	6600 International Boulevard	Oakland, CA	94621
Star Hotel	2186 Mission Street	San Francisco, CA	94110
Sunrise Pointe	Shelter Bay Ave.	Mill Valley, CA	94941
Sunrose Apartments	1325 Santa Rita	Chula Vista, CA	91913
Sutterfield HOA	1483 Sutter Street	San Francisco, CA	94104
Tennyson Garden Apartments	981 West Tennyson Road	Hayward, CA	94544
Terrace Gardens	186 Beresford Court	Milpitas, CA	95035
Terrace Glen Apartments	107 W. 20th Street	Antioch, CA	94509
Tremont Green	5663 Marden Street	Davis, CA	95616
Triangle Court Apartments	1063-1069 45th Street	Emeryville, CA	94608
Trolley Terrace Apartments	750 Ada Street	Chula Vista, CA	91911
Troy Apartments	714 S. Almaden Ave.	San Jose, CA	95110
Turnagain Arms Community Housing	920 East Mission Road	Fallbrook, CA	92028
Twin Oaks Valley Parks Mobile Homes	P. O. 2137	San Marcos, CA	92069
Twin Palms I	3159, 3165, 3186, 3192, 3198 Albany Circle	Davis, CA	95616
Twin Pines Community	3333 "F" Street	Davis, CA	95616
U.A. Homes	1040 University Ave.	Berkeley, CA	94710

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<u>Property Name</u>	<u>Address</u>	<u>City, State</u>	<u>Zip</u>
University Avenue Cooperative Homes	1471 Addison Street	Berkeley, CA	94702
University Park Apts.	1029 W. 29th Street #210	Los Angeles, CA	90007
Valencia Gardens	Guerrero/Valencia Streets	San Francisco, CA	94103
Victoria Green Apartments	163 Paradise Drive	Hercules, CA	94547
Villa Del Norte	9997 Feron Blvd.	Rancho Cucamonga, CA	91730
Villa Escondido	511 East Grand Avenue	Escondido, CA	92025
Villa Jardin	2701 Meadowview Road	Sacramento, CA	95832
Villa Pacifica Sr. Community	6909 Baseline Road	Rancho Cucamonga, CA	91730
Villa Paloma Senior Apartments	27221 Paseo Espada	San Juan Capistrano, CA	92675
Village East Apartments	2501 E. Lafayette Street	Stockton, CA	95205
Villages at Treasure Island	410 Palm Ave. Suite 168	San Francisco, CA	94130
Vintage Tower	225 East Santa Clara Street	San Jose, CA	95113
Vista Nueva Apartments	130 S. Lafayette Park Place	Los Angeles, CA	90057
Wakeham-Grant Apartments	816 S. Minnie Street, Unit #1	Santa Ana, CA	92701
Washington Court Apartments	1717 East 103rd Street	Los Angeles, CA	90012
Washington Courtyard	500 7th Street West	West Sacramento, CA	95605
Washington/Maple-Las Casitas	Mail: EVA, 1821 Escondido Blvd.	Escondido, CA	92025
Weddel Arms	205-225 Weddel Drive	Sunnyvale, CA	95086
West Capitol Courtyard I	2455 W. Capitol Ave. #300	West Sacramento, CA	95691
West Capitol Courtyard II	2455 W. Capitol Ave. #300	West Sacramento, CA	95691
Westminster Senior	7632 21st Street	Westminster, CA	92683
Westwood Transitional Village	1401 Sepulveda Blvd.	Los Angeles, CA	90025
William Byron Rumford Plaza	3017 Stanton Street	Berkeley, CA	94702
Windsor Hotel	238 Eddy Street	San Francisco, CA	94102
Wisconsin III Street Apartments	3790 Wisconsin Street	Los Angeles, CA	90037
Woodhaven Senior Residence	3731 Rio Linda Blvd.	Sacramento, CA	95838
Woods Cove Homeowners Association	500 Chestnut Street, Ste. 101	Santa Cruz, CA	95060
Woolf House I & II	801 Howard Street	San Francisco, CA	94103
Woolf House III	801 Howard Street	San Francisco, CA	94103

## CERTIFICATE OF SERVICE

I am over the age of 18 and not a party to this case. I am a resident of or employed in the county where the mailing occurred. My business address is 3 Park Plaza, Suite 2030, Irvine, California 92614.

### I SERVED THE FOLLOWING:

- 1.) Amended 60-Day Notice of Intent to Sue Under Health & Safety Code Section 24249.6
- 2.) The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary
- 3.) Certificate of Merit
- 4.) Supporting documents (*sent only to Office of Attorney General*)

by enclosing a true copy of the same in a sealed envelope addressed to each person whose name and address is shown below and depositing the envelope in the United States mail with the postage fully prepaid:

Date of Mailing: November 23 , 2004

Place of Mailing: Irvine, California

### NAME AND ADDRESS OF EACH PERSON TO WHOM DOCUMENTS WERE MAILED:

Ed Weil, Deputy Attorney General  
Office of Proposition 65 Enforcement  
1515 Clay Street, Suite 2000  
P.O. Box 70550  
Oakland, CA 94612-0550

The John Stewart Company  
1388 Sutter Street, 11 th Floor  
San Francisco, Ca. 94109  
Attn: Jack D Gardner

San Diego City Attorney  
1200 3rd Ave. Ste. 1620  
San Diego, CA 92101

San Diego County District Attorney  
330 Broadway  
San Diego, CA 92101

Los Angeles City Attorney  
200 N. Main St. N.E.  
Los Angeles, CA 90012

Los Angeles County DA  
210 W. Temple Street, 18th Floor  
Los Angeles, CA 90012

San Francisco City Attorney  
1390 Market Street  
San Francisco, CA 94102

San Francisco County DA  
880 Bryant Street  
San Francisco, CA 94103

Riverside County DA  
4075 Main St., 1<sup>st</sup> Fl.  
Riverside, CA 92501

San Bernardino County DA  
316 N. Mountain View Av.  
San Bernardino, CA 92415

Napa County DA  
931 Parkway Mall  
Napa, CA 94559

Kern County DA  
2100 College Avenue  
Bakersfield, CA 93305

San Mateo District Attorney  
1050 Mission Road  
South San Francisco, CA 94080

Marin County DA  
3501 Civic Center Dr. #130  
San Rafael, CA 94903

Sacramento County DA  
P.O. Box 749  
Sacramento, CA 95812

Orange County District Attorney  
700 Civic Center Dr. W., 2<sup>nd</sup> Fl.  
Santa Ana, CA 92701

San Jose City Attorney  
151 W. Mission St.  
San Jose, CA 95110

Contra Costa County DA  
727 Court Street  
Martinez, CA 94553

Santa Clara County DA  
2645 Zanker Road  
San Jose, CA 95134

Santa Cruz County DA  
701 Ocean Street  
Santa Cruz, CA 95061

Alameda County DA  
1225 Fallon Street  
Oakland, CA 94612

San Joaquin DA  
225 W. Elm Street #C  
Lodi, CA 95240

Solano County DA  
321 Tuolumne Street  
Valejo, CA 94590

Sonoma County DA  
600 Administrative Dr.  
Santa Rosa, CA 95403

Yolo County D A  
301 2<sup>nd</sup> Street  
Woodland, CA 95695

MONTEREY COUNTY DA  
240 Church Street, #101  
Salinas, CA 93901

Tulare County DA  
County Civic Center, RM 224  
Visalia, Ca. 93291-4593

Imperial County District Attorney  
939 W. Main Street, Ste. 206  
El Centro, Ca. 92243-2843

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: November 23, 2004